

E AND R AMENDMENTS TO LB 870

Introduced by Larson, 40, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 79-757, Revised Statutes Supplement,  
4 2011, is amended to read:

5           79-757 Sections 79-757 to 79-762 and section 2 of this  
6 act shall be known and may be cited as the Quality Education  
7 Accountability Act.

8           Sec. 2. On or before August 1, 2012, the State Board  
9 of Education shall establish an accountability system to be used  
10 to measure the performance of individual public schools and school  
11 districts beginning with school year 2012-13. The accountability  
12 system shall combine multiple measures, including, but not limited  
13 to, graduation rates, student growth and student improvement on  
14 the assessments provided in section 79-760.03, and other indicators  
15 of the performance of public schools and school districts as  
16 established by the board. The measures selected by the board for  
17 the accountability system may be combined into a school performance  
18 score and district performance score.

19           The board shall establish levels of performance for  
20 the indicators used in the accountability system in order to  
21 classify the performance of public schools and school districts.  
22 The State Department of Education shall annually report the level  
23 of performance of individual public schools and school districts

1 on the indicators used in the accountability system as part of the  
2 statewide assessment and reporting system.

3           Sec. 3. Section 79-760.05, Revised Statutes Supplement,  
4 2011, is amended to read:

5           79-760.05 (1) The State Board of Education shall  
6 implement a statewide system for tracking individual student  
7 achievement, using the student identifier system of the State  
8 Department of Education, that can be aggregated to track student  
9 progress by demographic characteristics, including, but not  
10 limited to, race, poverty, high mobility, attendance, and limited  
11 English proficiency, on available measures of student achievement  
12 which include, but need not be limited to, national assessment  
13 instruments, and state assessment instruments, and the indicators  
14 used in the accountability system required pursuant to section 2  
15 of this act. Such a system shall be designed so as to aggregate  
16 student data by available educational input characteristics, which  
17 may include class size, teacher education, teacher experience,  
18 special education, early childhood programs, federal programs, and  
19 other targeted education programs. School districts shall provide  
20 the department with individual student achievement data from  
21 assessment instruments required pursuant to section 79-760.03 in  
22 order to implement the statewide system.

23           (2) The department shall annually analyze and report  
24 on student achievement for the state, each school district, each  
25 public school, and each learning community aggregated by the  
26 demographic characteristics described in subsection (1) of this  
27 section. The department shall report the findings to the Governor,

1 the Legislature, school districts, educational service units, and  
2 each learning community. Such analysis shall include aggregated  
3 data that would indicate differences in achievement due to  
4 available educational input characteristics described in subsection  
5 (1) of this section. Such analysis shall include indicators of  
6 progress toward state achievement goals for students in poverty,  
7 limited English proficient students, and highly mobile students.

8           Sec. 4. (1) Any school district, with the approval of  
9 the State Department of Education, may establish and operate a  
10 career academy. The purpose of the career academy is to provide  
11 holistic education to help students find a career-based educational  
12 alternative to a college-bound educational curriculum. A school  
13 district may partner with another school district, an educational  
14 service unit, a learning community, a postsecondary educational  
15 institution, or a private entity in the establishment and operation  
16 of a career academy.

17           (2) A career academy established pursuant to subsection  
18 (1) of this section shall:

19           (a) Recruit students who seek a career-based curriculum,  
20 which curriculum shall be based on criteria determined by the  
21 department;

22           (b) Recruit and hire instructors based on their expertise  
23 in career-based education;

24           (c) Serve students in grades seven through twelve; and

25           (d) Provide an academic curriculum focusing on  
26 mathematics, science, and technology with a transition component  
27 to prepare youth for the workforce, including, but not limited to,

1 internships, job training, and skills training.

2 (3) The number of students enrolled in a career academy  
3 and their grade levels shall be accounted for separately by the  
4 operating school district in the reports required pursuant to  
5 section 79-528.

6 (4) In addition to funding from the establishing school  
7 district or any of the district's partners, a career academy may  
8 also receive private donations for operating expenses.

9 (5) The department shall define standards and criteria  
10 for (a) the establishment, evaluation, and continuing approval of  
11 career academies, (b) career-based curriculum utilized by career  
12 academies, (c) the necessary data elements and collection of  
13 data pertaining to career academies, and (d) the establishment  
14 of advisory boards consisting of business and education  
15 representatives to provide guidance and direction for the operation  
16 of career academies.

17 Sec. 5. Section 79-828, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 79-828 (1) The contract of a probationary certificated  
20 employee shall be deemed renewed and remain in full force and  
21 effect unless amended or not renewed in accordance with sections  
22 79-824 to 79-842.

23 (2) The purpose of the probationary period is to allow  
24 the employer an opportunity to evaluate, assess, and assist the  
25 employee's professional skills and work performance prior to the  
26 employee obtaining permanent status.

27 All probationary certificated employees employed by ~~Class~~

1 ~~I, II, III, and VI~~ school districts any class of school district  
2 shall, during each year of probationary employment, be evaluated  
3 at least once each semester, unless the probationary certificated  
4 employee is a superintendent, in accordance with the procedures  
5 outlined below:

6           The probationary certificated employee shall be observed  
7 and evaluation shall be based upon actual classroom observations  
8 for an entire instructional period. If deficiencies are noted in  
9 the work performance of any probationary certificated employee, the  
10 evaluator shall provide the ~~teacher or administrator~~ probationary  
11 certificated employee at the time of the observation with a list  
12 of deficiencies, and a list of suggestions for improvement and  
13 assistance in overcoming the deficiencies. The evaluator shall also  
14 provide the probationary certificated employee with  and followup  
15 evaluations and assistance when deficiencies remain.

16           If the probationary certificated employee is a  
17 superintendent, he or she shall be evaluated twice during the first  
18 year of employment and at least once annually thereafter.

19           Any certificated employee employed prior to September  
20 1, 1982, by the school board of any Class I, II, III, or VI  
21 school district shall serve the probationary period required by law  
22 prior to such date and shall not be subject to any extension of  
23 probation.

24           (3) If the school board or the superintendent or  
25 superintendent's designee determines that it is appropriate to  
26 consider whether the contract of a probationary certificated  
27 employee or the superintendent should be amended or not renewed for

1 the next school year, such certificated employee shall be given  
2 written notice that the school board will consider the amendment  
3 or nonrenewal of such certificated employee's contract for the  
4 ensuing school year. Upon request of the certificated employee,  
5 notice shall be provided which shall contain the written reasons  
6 for such proposed amendment or nonrenewal and shall be sufficiently  
7 specific so as to provide such employee the opportunity to prepare  
8 a response and the reasons set forth in the notice shall be  
9 employment related.

10 (4) The school board may elect to amend or not renew  
11 the contract of a probationary certificated employee for any reason  
12 it deems sufficient if such nonrenewal is not for constitutionally  
13 impermissible reasons, and such nonrenewal shall be in accordance  
14 with sections 79-824 to 79-842. Amendment or nonrenewal for reason  
15 of reduction in force shall be subject to sections 79-824 to 79-842  
16 and 79-846 to 79-849.

17 (5) Within seven calendar days after receipt of  
18 the notice, the probationary certificated employee may make a  
19 written request to the secretary of the school board or to the  
20 superintendent or superintendent's designee for a hearing before  
21 the school board.

22 (6) Prior to scheduling of action or a hearing on  
23 the matter, if requested, the notice of possible amendment  
24 or nonrenewal and the reasons supporting possible amendment or  
25 nonrenewal shall be considered a confidential employment matter as  
26 provided in sections 79-539, 79-8,109, and 84-1410 and shall not be  
27 released to the public or any news media.

1           (7) At any time prior to the holding of a hearing or  
2 prior to final determination by the school board to amend or not  
3 renew the contract involved, the probationary certificated employee  
4 may submit a letter of resignation for the ensuing year, which  
5 resignation shall be accepted by the school board.

6           (8) The probationary certificated employee shall be  
7 afforded a hearing which shall not be required to meet the  
8 requirements of a formal due process hearing as set forth in  
9 section 79-832 but shall be subject to section 79-834.

10           Sec. 6. Original section 79-828, Reissue Revised Statutes  
11 of Nebraska, and sections 79-757 and 79-760.05, Revised Statutes  
12 Supplement, 2011, are repealed.

13           Sec. 7. The following sections are outright repealed:  
14 Section 79-760, Reissue Revised Statutes of Nebraska, and section  
15 79-760.04, Revised Statutes Supplement, 2011.

16           2. On page 1, strike beginning with "79-757" in line  
17 1 through line 9 and insert "79-828, Reissue Revised Statutes of  
18 Nebraska, and sections 79-757 and 79-760.05, Revised Statutes  
19 Supplement, 2011; to provide duties for the State Board of  
20 Education and the State Department of Education; to provide for  
21 an accountability system to measure school performance pursuant to  
22 the Quality Education Accountability Act; to change provisions for  
23 tracking and reporting on individual student achievement and for  
24 evaluation of probationary certificated employees; to provide for  
25 establishment of career academies; to eliminate requirements for  
26 a prior assessment and reporting system and a joint plan for a  
27 learning community; to harmonize provisions; to repeal the original

1 sections; and to outright repeal section 79-760, Reissue Revised  
2 Statutes of Nebraska, and section 79-760.04, Revised Statutes  
3 Supplement, 2011."